

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BCBSM, INC., d/b/a BLUE CROSS and  
BLUE SHIELD OF MINNESOTA, on  
behalf of itself and those similarly situated,

Plaintiff,

v.

VYERA PHARMACEUTICALS, LLC,  
PHOENIXUS AG, MARTIN SHKRELI,  
and KEVIN MULLEADY,

Defendants.

Case No. 1:21-cv-1884-DLC

**JOINT STIPULATION AND [PROPOSED] ORDER TO STAY EXISTING DEADLINES**

WHEREAS, Plaintiff BCBSM, Inc. (“Plaintiff”), on behalf of the putative class, has reached a settlement in principle with Defendants Vyera Pharmaceuticals, LLC, Phoenixus AG, Martin Shkreli, and Kevin Mulleady (“Defendants,” and collectively with Plaintiff, the “Parties”) to fully resolve this litigation;

WHEREAS, the Parties expect to finalize the settlement agreement, and Plaintiff expects to move the Court to preliminarily approve the class settlement, within the next 45 days; and

WHEREAS, the Parties believe that all existing case deadlines should be stayed so that the Parties can focus on finalizing the settlement agreement and submitting it to the Court.

NOW THEREFORE, the undersigned Parties hereby stipulate and agree, subject to entry of this Stipulation by the Court, that the following deadlines shall be stayed:

<b>Deadline to be Stayed</b>	<b>Date</b>
Plaintiff's Motion for Class Certification	January 21, 2022
Plaintiff's Disclosure of Expert Testimony	January 21, 2022
Defendants' Opposition to Class Certification	February 18, 2022
Defendants' Disclosure of Expert Testimony	February 18, 2022
Plaintiff's Reply in Support of Class Certification	March 4, 2022
Completion of Expert Discovery	March 18, 2022
Motions for Summary Judgment	April 8, 2022
Oppositions to Summary Judgment	April 29, 2022
Replies in Support of Summary Judgment	May 13, 2022

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Denise Cote  
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

**ON BEHALF OF BCBSM, INC.**

By: /s/ Kellie Lerner

Kellie Lerner  
Benjamin Steinberg (admitted *pro hac vice*)  
Adam Mendel  
900 3rd Ave, Suite #1900  
New York, NY 10022  
Telephone: (212) 980-7400  
Facsimile: (212) 980-7499  
klerner@robinskaplan.com  
bsteinberg@robinskaplan.com  
amendel@robinskaplan.com

*Counsel for Plaintiff BCBSM, Inc., d/b/a  
Blue Cross and Blue Shield of Minnesota, and  
the Proposed Class*

**ON BEHALF OF VYERA  
PHARMACEUTICALS, LLC and  
PHOENIXUS AG**

By: /s/ Steven Reed  
Steven Reed  
MORGAN LEWIS & BOCKIUS LLP  
1701 Market St.  
Philadelphia, PA 19103  
Telephone: (215) 963-5603  
Facsimile: (215) 963-5001  
steven.reed@morganlewis.com

*Counsel for Defendants Vyera  
Pharmaceuticals, LLC and Phoenixus AG*

ON BEHALF OF **KEVIN MULLEADY**

By: /s/ Kenneth R. David

Kenneth R. David  
KASOWITZ BENSON TORRES LLP  
1633 Broadway  
New York, NY 10019  
Telephone: (212) 506-1893  
Facsimile: (212) 506-1800  
kdavid@kasowitz.com

*Counsel for Defendant Kevin Mulleady*

ON BEHALF OF **MARTIN SHKRELI**

By: /s/ Christopher H. Casey

Christopher H. Casey  
DUANE MORRIS LLP  
30 South 17th Street  
Philadelphia, PA 19103  
Telephone: (215) 979-1155  
Facsimile: (215) 689-2194  
CHCasey@duanemorris.com

*Counsel for Defendant Martin Shkreli*